

U.S. Fish and Wildlife Service Withdrawal of Graham's and White River beardtongues: Frequently Asked Questions

The U.S. Fish and Wildlife Service (USFWS) has withdrawn our proposal to list Graham's and White River beardtongues as threatened under the Endangered Species Act (ESA). This action also withdraws our proposal to designate critical habitat for both species.

1. What are Graham's and White River beardtongues?

Graham's and White River beardtongues are two different species of native plants closely associated with oil shale rich geology in the Uinta Basin in Utah and near the Utah border in Colorado. These two beardtongue species occur with other plants that are endemic to oil shale geology and together constitute a unique oil shale natural community. The showy flowers of both beardtongue species and these other oil shale endemic plants attract and support a community of many native pollinators.

2. Why were Graham's and White River beardtongues proposed for listing?

We proposed Graham's and White River beardtongues as threatened species under the ESA. In our proposed rule we found that both beardtongue species were threatened with extinction from energy development and cumulative effects from energy development, livestock grazing, invasive weeds, small population sizes and climate change.

3. Why did the USFWS withdraw the proposed rule to list Graham's and White River beardtongue as threatened?

In the proposed rule, we identified several threats to the species including threats from energy development and cumulative effects from energy development, livestock grazing, invasive weeds, small population sizes and climate change. After the proposed rule was published in the Federal Register, several stakeholders including Uintah County, Utah, Rio Blanco County, Colorado, Bureau of Land Management (BLM), Utah State Institutional Trust Lands Administration (SITLA), Utah Public Lands Policy Coordination Office (PLPCO), USFWS, and Utah Division of Wildlife Resources (Utah DWR) entered into a conservation agreement to conserve both species. Conservation measures incorporated in the conservation agreement include establishment of 44,373 acres of conservation areas for both species within which threats will be managed.

4. How does the 2014 Graham's and White River beardtongue Conservation Agreement protect these two plant species?

The 2014 Conservation Agreement establishes 44,373 acres of conservation areas that will be managed for the 15-year term of the Agreement to prevent impacts to the species. Within these conservation areas, surface disturbing activities such as energy development will be limited; in areas where White River beardtongue occurs surface disturbance will be limited to an additional 2.5 percent, and in areas where Graham's beardtongue occurs surface disturbance will be limited to an additional 5 percent. Prior to any surface disturbing activities plant surveys will be conducted to identify where plants occur. Surface disturbing activity that takes place within these established conservation areas will avoid Graham's and White River beardtongue plants by 300 ft.

5. What are the differences in protection between an ESA listing with designation of critical habitat and the 2014 Conservation Agreement?

A proposed listing would have provided protections under the ESA, including the designation of critical habitat on 67,959 acres for Graham's beardtongue and 14,954 acres for White River beardtongue. If the species were listed under the ESA, federal agencies would need to consult with us in cases where projects on federal lands or with a federal nexus would affect the species. Under section 7 of the ESA we would make conservation recommendations to avoid, minimize, and mitigate effects to the species. It is likely that our conservation recommendations would be similar to the measures already committed to by the 2014 Conservation Agreement partners including surface disturbance caps (2.5 percent for White River beardtongue and 5 percent for Graham's beardtongue) and 300 foot avoidance buffers.

On private lands where a federal nexus does not occur, plants would not be protected under an ESA listing and would still be vulnerable to the identified threats. Approximately 50 percent of the population of known Graham's beardtongue and 39 percent of the known population of White River beardtongue occur on private or other nonfederal lands where protections for the species are not assured under an ESA listing. The 2014 Conservation Agreement provides protections for 64 percent of the population of Graham's beardtongue and 76 percent of the population of White River beardtongue and establishes 44,373 acres of conservation areas for both species (see Table 1), on both federal and nonfederal lands.

Table 1. Comparing Protections of ESA Listing to the 2014 Conservation Agreement

	ESA Listing	2014 Conservation Agreement
<i>Percent of population protected</i>	49.6 percent of Graham's and 61.2 percent of White River beardtongues only on BLM lands	64 percent for Graham's and 76 percent for White River beardtongues on BLM, State, and private lands
<i>Surface disturbance limits</i>	We would likely recommend similar conservation measures as implemented under 2014 Conservation Agreement.	Additional 5 percent for Graham's beardtongue and 2.5 percent for White River beardtongue
<i>Protection on federal and nonfederal lands</i>	All lands: Listed plants are protected from import, export,	Conservation measures apply to federal and nonfederal lands

	<p>sale or offer for sale in interstate or foreign commerce regardless of landownership.</p> <p>Federal lands: ESA provides protection against removal and reduction to possession and malicious damage or destruction of plants on federal lands.</p> <p>Non-federal lands: On non-federal lands plants can be removed, possessed, damaged or destroyed.</p>	that are incorporated into the 2014 Conservation Agreement.
<i>Funding for conservation</i>	Funding from BLM and USFWS	Funding from USFWS, BLM, State of Utah, SITLA, Uintah County
<i>Timeframe</i>	Until threats no longer occur	15 years or longer if renewed

6. Are the conservation measures in the 2014 Conservation Agreement voluntary?

For those entities that choose to participate, the conservation measures outlined in the 2014 Conservation Agreement are not voluntary. The landowners and land managers who are participating in the 2014 Conservation Agreement have agreed to enact permit requirements, stipulations, ordinances, and regulations to ensure enforcement of the agreement. These are enforceable measures that will prevent non-compliance and will serve to protect the species.

7. There are more Graham's and White River beardtongue than we previously realized. Why do the species still need protection if there are more plants?

Additional surveys have found more plants of both Graham's and White River beardtongues. However, the threats to the species remain the same. The beardtongue species need protection from these threats and the 2014 Conservation Agreement provides this protection. In addition, surveys for plant occurrence have not provided us with information on population trends.

8. What happens if the 2014 Conservation Agreement is not sufficient to protect either Graham's or White River beardtongue?

We will evaluate the status of the species during annual conservation team meetings. If either species is again threatened with endangerment then we will evaluate the need for listing under ESA.